IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18669 of 2006

DATED: 11.9.2006

Between:

D.T. Reddy petitioner

And

APSRTC,
Rep by its Managing Director & Vice Chairman
R T C X roads, Hyderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 18669 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the removal order dated 10.8.2006 as violation of principles of natural justice and Clause 12 of APSRTC Employees (Classification, Control & Appeal) Regulations, 1967.

The petitioner is employed in respondent corporation as Driver and working at Razole Depot. As per the averments made in the affidavit filed in support of the writ petition, the petitioner could not attend to duties from 2.8.2005 to 4.8.2005 due to sudden death of his daughter. He states that he has duly intimated to the Depot Manager-second respondent. A charge sheet dated 4.8.2006 was issued to the petitioner alleging unauthorized absence from 2.8.2005 to 4.8.2005 and for irregular attendance from 25.3.2005 to 21.7.2005. The petitioner submitted his explanation to the first charge intimating the reason for his absence. As regards second charge of irregular attendance, the petitioner contends that the charge is vague and the details of absence were not given and in the absence of particulars with regards to his absence, he was handicapped to submit the explanation. Thereafter, the second respondent issued impugned proceedings dated 10.8.2006 removing the petitioner from service. Hence, the present writ petition.

Learned counsel for petitioner submitted that the impugned order

of removal was passed without affording reasonable opportunity to the petitioner to defend his case. It is further submitted that the second charge is vague one without furnishing the required details and the second respondent without affording reasonable opportunity and necessary details with regard to the charge has illegally removed the petitioner from service and sought for interference of this Court.

On the other hand, learned Standing Counsel for respondent corporation submitted that as against the impugned order or dismissal, an appeal is provided to Regional Manager and without availing the remedy of appeal the petitioner has rushed to this Court by filing the present writ petition and the same is not maintainable.

Having regard to the fact that a remedy of appeal is provided as against the impugned order of removal dated 10.8.2006 to the Regional Manager, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to prefer an appeal to the Divisional Manager. On filing such an appeal, the Divisional Manager is directed to consider the same and pass appropriate orders in accordance with law expeditiously, preferably within a period of six weeks from the date of filing of the appeal.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 11.9.2006
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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